

Order

Michigan Supreme Court
Lansing, Michigan

June 10, 2009

Marilyn Kelly,
Chief Justice

137554(56)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137554
COA: 278828
Wayne CC: 07-004817-01

ANTONIL DIONTE WHITAKER,
Defendant-Appellant.

On order of the Court, the motion for reconsideration of this Court's January 23, 2009 order is considered, and it is GRANTED in part. On reconsideration, we MODIFY the second sentence of our previous order to state as follows: "The Wayne Circuit Court shall order a new trial unless it finds (a) that Stephanie McClung's absence at trial could not have been remedied by reasonable efforts to compel her attendance, or (b) that Stephanie McClung's absence from the first trial was harmless beyond a reasonable doubt. *People v Anderson*, 446 Mich 392, 405-406 (1994)." In all other respects, the motion for reconsideration is DENIED.

We do not retain jurisdiction.



d0603

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 10, 2009

Corbin R. Davis

Clerk